IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 67308-M of 2006

DATE OF DECISION : 31.10.2006

Chet Ram

.... PETITIONER

Versus

State of Haryana and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Mahendra Tewatia, Advocate,
for the petitioner.

* * *

This petition under Section 482 of the Code of Criminal Procedure (hereinafter referred to as `the Code') has been filed by Chet Ram challenging the order dated 27.7.2006, passed by Additional Sessions Judge (Adhoc) FTC-III, Faridabad, whereby on revision filed by respondents No.2 to 7, the order dated 31.7.2003, passed by Sub Divisional Magistrate, Hodal under Section 133 of the Code for removal of illegal possession of the respondents from the passage has been set aside.

I have heard counsel for the petitioner and gone through the impugned order.

The learned revisional court, while taking into consideration the civil suit filed by the respondents, in which the petitioner is also one of the defendants, pertaining to the same passage, set aside the order passed by the Sub Divisional Magistrate initiating proceedings under Section 133 of the Code on the ground that since the civil court is seized of the matter, the proceedings under Section 133 should not have been initiated. In this regard, the revisional court followed decision of the Supreme Court in ***State of M.P.*** v. ***Kedia Leather & Liquor Ltd.,*** AIR 2003 SC 3230 and judgments

of this court in ***Abhey Singh*** v. ***Shish Pal Singh,*** 1998 (1) RCR 153 and ***Naranjan Singh*** v. ***Samaj Bava Prem Dass,*** 1999 (1) RCR 152. Counsel for the petitioner has not been able to point out any illegality or infirmity in the impugned order.

Dismissed.

October 31, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**